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7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

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10 HOWARD ELLIS, Case No. 3:08-cv-00657-MMD-WGC
11 v. Plaintiff,
12 JAMES BENEDETTI, et al., Defendants.
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ORDER

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16 Before the Court is Plaintiff Howard Ellis' Motion for Production of Transcripts at
17 Government Expense. (Dkt. no. 339.) Plaintiff asks the Court to direct the court reporter
18 to prepare transcripts of all proceedings in this case to enable him to pursue his appeal.
19 "[T]he expenditure of public funds [on behalf of an indigent litigant] is proper only when
20 authorized by Congress." *Tedder v. Odol*, 890 F.2d 210, 211 (9th Cir. 1989) (quoting
21 *United States v. MacCollom*, 426 U.S. 317, 321 (1976). The 9th Circuit has held that 28
22 U.S.C. § 1915 does not authorize waiver of payments or fees of expenses for certain
23 trial proceedings. *Id.* at 211 (citing *Johnson v Hubbard*, 698 F.2d 286, 289 (6th Cir.
24 1983), cert. denied, 464 U.S. 917 (1983) (court in dicta referred to transcripts as part of
25 trial proceedings that the "constitution does not require a court, or in practical terms, the
26 federal government, to pay for at the request of the indigent party.") Plaintiff is seeking
27 a waiver of fees for transcripts of all proceedings, but this relief is not authorized under
28 section 1915.

It is therefore ordered that Plaintiff's Motion for Production of Transcripts at Government Expense (dkt. no. 339) is denied.

DATED THIS 8th day of June 2015.



MIRANDA M. DU
UNITED STATES DISTRICT JUDGE